

State of Illinois)
County of St. Clair) S.S.

Case Number

146296

Amount Claimed

FAIRMOUNT PARK INC

VS

K&K INSURANCE

Plaintiff(s)

Defendant(s)

Classification Prefix

Code

Nature of Action

Code

TO THE SHERIFF: SERVE THIS DEFENDANT AT:

Pltf. Atty. CHARLES HAMILTON Code

Address PO BOX 24240

618-334

City Belleville, IL 62223

Phone 835

Add. Pltf. Atty.

Code

NAME K&K INSURANCE GROUP

1712 MAGNAVOX WAY

ADDRESS

FORT WAYNE, IN

CITY & STATE

46801

SUMMONS COPY

To the above named defendant(s).....



A. You are hereby summoned and required to appear before this court at

(court location) _____ at _____ M. On _____ 20____

to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by default may be taken against you for the relief asked in the complaint.



B. You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, judgment of decree by default may be taken against you for the relief prayed in the complaint.

TO THE OFFICER:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement thereon of service and fees if any, immediately after service. In the event that paragraph A of this summons is applicable this summons may not be served less than three days before the day of appearance. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS,

4-17-2014

Kahalah Clay

Clerk of Court

BY DEPUTY:

Liake Taylor

DATE OF SERVICE:

20

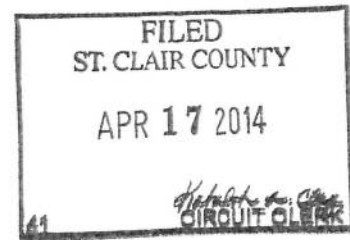
(To be inserted by officer on copy left with defendant or other person)

Exhibit "1"

SEAL

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS

ST. CLAIR COUNTY



FAIRMOUNT PARK, INC.,)

a corporation,)

Plaintiff,)

vs.)

Civil No. 14L 296

NEW HAMPSHIRE INSURANCE COMPANY,)

and K&K INSURANCE GROUP, INC.)

Defendants.)

COMPLAINT

Plaintiff Fairmount Park, Inc, a corporation, by Charles E. Hamilton, its attorney, complaining of the defendants New Hampshire Insurance Company and K&K Insurance Group, Inc., says:

1. Plaintiff is now and at all times relevant was a corporation licensed to engage in the operation of a thoroughbred horseracing track and off-track wagering facilities in Madison and St. Clair Counties, in the State of Illinois.
2. Defendant New Hampshire Insurance Company is an insurance company, and K&K Insurance Group, Inc. is its agent and both companies issued a policy of insurance, identified herein as Binder #AIP0009771266302, subject to later clarification, to insure Plaintiff against certain losses identified in the policy from January 31, 2012 to January 31, 2013.
3. On or about April 28, 2012, a date within the policy period described in Paragraph 2, a windstorm and hailstorm crossed the insured property and caused severe and extensive damage to the Plaintiff's property, including the clubhouse, grandstand, outbuildings,, barns and other properties on the Plaintiff's grounds, requiring repairs and renovations necessary to conduct Plaintiff's business.
4. Defendants have made some reimbursement to Plaintiff for is damages as a result of the wind and hail storm effects, but have declined to make full reimbursement to Plaintiff, in disregard of their obligations under the aforementioned policy of insurance.
5. Defendants have misrepresented insurance policy provisions relating to coverages at issue; refused to make full payment of the claim without conducting a reasonable investigation based on all available information; failed to attempt in good faith to effectuate a prompt, fair and

equitable settlement of a claim in which the liability was reasonably clear; required Plaintiff to institute litigation to be compensated fully for its losses.

6. As a result of the delays and unreasonable conduct of the Defendants, Plaintiff has been required to incur attorneys' fees and public adjuster fees which they would otherwise not have incurred. In addition, Plaintiff was required to spend time and effort in attempting to make arrangements with Defendants to reconstruct, repair and replace its damaged properties.

Wherefore, Plaintiff prays judgment against Defendants for such sum, in excess of \$100,000.00, as the court determines is fair and reasonable, and for its attorney's fees and costs of litigation.

Fairmount Park, Inc.

By: 

Charles E. Hamilton (ARDC #1110586)

P.O. Box 24240

Belleville, IL 62223

618-334-1835